



**STATE OF DELAWARE
BOARD OF ELECTIONS
OFFICE OF THE STATE ELECTION COMMISSIONER
905 S. Governors Avenue, Suite 170
Dover, DE 19904
TELEPHONE: (302) 739-4277
<https://ivote.de.gov>**

Minutes of September 21, 2020 State Board of Elections Meeting, conducted entirely via telephone participation pursuant to "THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT" issued by Governor John C. Carney on March 12, 2020.

PUBLIC SESSION
(there was no Executive Session)

**Members Present via
Teleconference:**

Mr. Pasquale, [D]-New Castle County, President
Mr. Sterling, [R]-New Castle County, At Large
Ms. Hopkins-Pugh, [D]-Sussex County
Ms. Philpotts, [D]-Wilmington
Mrs. Sandstrom, [D]-Kent County
Mr. Schneikert, [R]-Wilmington
Ms. Sikora, [R]-Sussex County
Mrs. Williams-Mayo, [D]-New Castle County, At Large
Dr. Warfield-Walker, [R]-Kent County
Mrs. Whittington, [R]-New Castle County

**Staff Present via
Teleconference:**

Mr. Albence, State Election Commissioner
Ms. Dixon, County Director, New Castle County Office
Mr. Sholl, Deputy County Director, New Castle County Office
Mrs. Young, County Director, Kent County Office
Mr. Artigliere, Deputy County Director, Kent County Office
Mr. McDowell, County Director, Sussex County Office
Mrs. Turner, Deputy County Director, Sussex County Office
Mr. Broujos, Deputy Attorney General, Department of Justice

**Public Present via
Teleconference:**

Jordan Howell
Monica Presha
DJ McAneny
Marilyn Booker
Paula Manolakos
Vicky Windgate
Darlene Dahling
Lamar Gunn
Gayle Jones
Holland Raulston, Jr.
State Representative Bryan Shupe
Al Frech

Dave Bailey
Evelyn Brady
Charles Vash Turner

1. Mr. Pasquale called the meeting to order at 4:07 p.m.
2. Ms. Hopkins-Pugh made a motion (Mr. Schneikert seconded) to approve the Public Session meeting minutes from the Board's August 10, 2020 meeting. Motion passed unanimously.
3. Commissioner Albence provided an update on the current financial status of the Department per its appropriation in the FY2021 State Budget. Expenditures are tracking as expected and nothing out of the ordinary. The Department is in the beginning process for the FY2022 State Budget.
4. Commissioner Albence provided an update on the current statewide voter registration total. The total number of registered voters in the State as of September 1, 2020, was 729,888. The total of registered voters continues to grow, and the Department anticipates an increase in number as the voter registration deadline for the General Election is approaching. October 10, 2020 is the deadline to register for eligible citizens who are not yet registered to vote.
5. Commissioner Albence provided a summary of upcoming elections. Voting machine demonstrations have been curtailed since the Governor's State of Emergency declaration.
6. Commissioner Albence provided an update on the work to prepare for the Board of Canvass process to certify results of the General Election. The Department is working with staff from the Superior Court of Delaware in finalizing procedures, documents, and other materials. The Court is also adjusting their operations and approach due to the significant increase in the quantity of absentee and vote by mail ballots for this election.
7. Commissioner Albence provided a recap on the outcome and statistical of votes cast for the Primary Election held on September 15, 2020. The overall voter turnout for the state was 32.26% with a total of 177,529 votes cast in which 76,384 were absentee/vote by mail ballots. The Department fully reported unofficial election results on Election Night, even with the significant increase in the volume of absentee and vote by mail ballots cast in this election. Additionally, the Department is working on continually improving the recently launched results reporting website to increase the speed and frequency of updated to unofficial results
8. Commissioner Albence provided an overview of the Department's progress in preparing the General Election. The Department has completed ballot building and sent absentee ballots to UOCAVA voters (members of the military and voters living overseas) by the federally mandated deadline of September 19th. Absentee ballots for non-UOCAVA voters will be issued this week and are scheduled to be mailed within the next week. Vote by Mail (VBM) ballots will be mailed beginning October 4th. The Department continues to reach out for additional election officers and is broadening outreach to recruit additional election officers, including a direct outreach to employees in the state's public-school districts and to encouraging students to sign up as election officers, as well.
9. Commissioner Albence provided an update on the Department's budget planning. The Department has reached out and notified the Office of Management and Budget (OMB) on the needs for additional space for the Kent and Sussex county offices. Options for alternate sites for these offices are being explored with OMB, based on spatial needs in housing equipment, space that may be used as an on-site election officer training site, and space that maybe used as an early voting site in the event there is a chance in the law.

10. Commissioner Albence provided a summary of the Help America Vote Act (HAVA) funding allocated specifically for enhancing security thus improving administration of federal elections. The Department continues to enhance physical security in all its facilities and modify as needed. It is currently working with the Department of Technology & Information (DTI) for enhancing online security and improving public-facing interface systems while maximizing its ease of use. In addition, to further augment best practices in the realm of cybersecurity, the Department will partner (in collaboration with DTI) with the Delaware National Guard expert cybersecurity teams to on risk assessments. The National Guard has developed expertise in cybersecurity.
11. Commissioner Albence provided an update on the HB 346 (Vote by Mail) legislation which is in effect through January 12, 2021.
12. Commissioner Albence provided an update on the outbound mailing equipment for absentee/Vote by Mail. Setup and training on utilizing the equipment are complete. The equipment was piloted in New Castle County office for the State Primary will be fully implemented in the General Election in each county. In addition, the ballot adjudication equipment which was also used in the State Primary worked very well. For the General Election, the automation for outbound is implementing an improved ballot envelope design with instructions and ballot tracking.
13. Commissioner Albence provided a recap on the recent mailing of Electronic Registration Information Center (ERIC) cards. As part of the service provided through the ERIC program, approximately 11,000 cards were mailed to individuals who are Eligible but Unregistered (EBU).
14. Commissioner Albence provided an update on upcoming items regarding litigations filed against the Department of Elections:
 - Court of Chancery
 - The Republican State Committee of Delaware
 - Complaint challenges the constitutionality of HB 346 (Vote by Mail)
 - Hearing is scheduled for September 24, 2020 in the Court of Chancery
 - League of Women Voters
 - Complaint requests that the deadline for the Department to accept Vote by Mail and absentee ballots received by mail be extended for an additional 10 days, until November 13, 2020
 - Hearing scheduled for October 6, 2020
 - Federal District Court (District of Delaware)
 - Vashun Turner
 - The complaint is being reviewed at this time.

For copies/information on the filed lawsuits listed above, copies may be obtained by contacting Commissioner Albence.

15. Commissioner Albence provided a recap of the Department's website statistics, including visits to the State Election Commissioner and county office websites, provided via the Google

Analytics program. The voter registration deadline on August 22, 2020 resulted an increase in website activity on August 21st and August 22nd.

16. Commissioner Albence provided a summary of voter registration transactions, by type and source.
17. Commissioner Albence provided an update on the absentee ballot data:
 - 76,384 absentee/mail ballots were counted for the 2020 Primary Election held on September 15, 2020.
 - 127,719 absentee and vote by mail ballots have been requested for the 2020 General Election.
 - 1,736 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots were sent for the 2020 General Election.
18. Commissioner Albence reviewed the current status of Campaign Finance violations regarding fines received by non-filers and tardy reports.
19. Mr. Sterling motioned (Mrs. Williams-Mayo seconded) to approve the removals as presented. The motion passed by majority of the members voting in favor of the motion. Ms. Sikora voted against the motion.
20. OLD BUSINESS: None.
21. NEW BUSINESS:
 - Commissioner Albence thanked the staff and the Board Members for their participation in the State Primary election. Discussion ensued regarding post-election activities.
22. PUBLIC COMMENT:
 - Mr. Howell inquired regarding Campaign Finance violations on several organizations and the Department's procedure in processing those violations. Mr. Howell mentioned that he had emailed the Department regarding his inquiries on the Campaign Finance violations.
 - The Board had no comment to Mr. McAneny's inquiry regarding votes relating to a pending litigation.
 - Ms. Manolakos inquired for clarification for mailing. No comment was provided by the Department due to the nature of the question in relation to pending litigation including Ms. Manalacos.
 - Ms. Windgate expressed her concerns over a voter registration discrepancy and has reached out to her legislator, Senator Dave Wilson. She and her spouse are registered Republicans; however, during the State Primary, the poll books showed "No Party" and was denied her vote. Ms. Windgate is concerned because this issue occurred to other voters as well. Commissioner Albence assured Ms. Windgate that the Department, via the Kent County office, will work with her to resolve this issue.
 - Mr. Gunn brought forward an issue relating to the Department of Elections' lack of effort in promoting public health to the City of Wilmington residents in the State Primary. Mr. Gunn also questioned the

process for residency verification on which the Department had no comment as this was related to ongoing litigation by Mr. Vashaun Turner.

- Ms. Dahling expressed a similar concern as Ms. Windgate: Ms. Dahling is a registered Republican as listed on her polling place card; however, the poll book at her polling place showed “No Party”. On Election Day, the poll worker contacted the Department of Elections to verify her information. Also, Ms. Dahling found other voters on Facebook with similar issues. She has notified her legislator, Senator Brian Pettyjohn. Mr. McDowell affirmed Ms. Dahling the Sussex County office would research the matter and resolve the issue.
- Ms. Jones shared her experience working at the polls in the State Primary. According to Ms. Jones’ observations, about 30% of voters were not aware of their correct polling locations and had to be redirected. She also inquired regarding updates to poll books so that voters who were sent ballots but chose to vote in person could proceed to vote without delay.
- Mr. Holland Raulston, Jr. inquired of the Board regarding oversight of the certification process. Mr. Pasquale responded that the Board does not have oversight over the certification process. Mr. Raulston added that a “glitch” at DMV has disenfranchised many people in Wilmington who were not able to vote in the election. He also inquired of the number of Democrats and Republicans who were allegedly disenfranchised due to the computer glitch. Mr. Raulston questioned the appeal process or recourse for the public regarding the certification of an election and if there is one in place. Mr. Pasquale responded that the Board cannot speak over the matter since it does not have oversight on the process.
- State Representative Brian Shupe thanked the Board and Department staff for their efforts in the State Primary election. He requested for a clarification on the current Vote By Mail legislation. Additionally, Representative Schupe inquired of the Department’s process in addressing voter rolls and the outdated information. He shared his experiences of issues regarding the School Board and Primary election ballot arriving later than expected and receiving an incorrect ballot for the State Primary ballot (wrong political party). Rep. Shupe indicated that he voted at his polling place for the State Primary, and that the poll worker at his polling location allowed him to vote without checking the master list. State Representative Shupe further inquired of the Department’s plans in making the system more secure. Commissioner Albence addressed Representative Shupe’s concerns and responded that the Department has several processes for updating the voter registration rolls. The Commissioner also reviewed in detail the address verification process, requirements of federal law concerning this process, and the process is augmented via the State’s membership in the multi-state consortium ERIC (Electronic Registration Information Center).
- Mr. Frech inquired how a person can find out if his or her Vote By Mail ballot was received and counted. Commissioner Albence responded that voters may check the status of their ballot via the voter portal: ivote.de.gov. He also questioned if the pollbook would show the status if a person votes by mail/absentee but then decides to go to the polling

place on election day. Commissioner Albence responded that the Department's procedure is for poll workers to contact the Department to verify if the ballot issued to the voter has been returned. Mr. Frech also asked regarding provisional ballots to which Commissioner Albence responded that these ballots are provided as mandated by federal law and is only for federal offices only in Delaware. Mr. Frech inquired of the turnaround time after the application for the Vote by Mail (VBM) has been submitted. Commissioner Albence responded that VBM ballots are available 30 days before the election which is after October 4th. If voters do not receive their ballots by the second week of October, it is recommended that they contact the Department of Elections. Mr. Frech shared his positive experience at his recent visit to the Sussex County Office to observe how ballots were processed.

- Mr. Bailey, a polling place Inspector at Leasure Elementary School for the State Primary Election, commented on improving the training materials provided to poll workers regarding the opportunity for ballot fraud related to the ability for a voter to sign an affidavit of affirmation of voter identity if the voter has appeared at the correct polling place, is properly registered, but does not present ID. Commissioner Albence responded that the use of the affidavit is permitted per Delaware Code.
- Ms. Brady inquired about the election officer recruitment for the General Election and provided her positive remarks regarding iVote (voter portal). She assists family and friends in navigating the portal and suggested that iVote should be advertised more. Ms. Brady also inquired if poll books could be updated to eliminate need of phone calls to verify mail in ballot status on election day.
- Mr. Turner provided his remarks regarding his concerns on voter suppression and cited references in the law regarding his observation of violations on the following: polling locations, inoperable voting devices, and campaigns.

23. Ms. Hopkins-Pugh made a motion (Mr. Sterling seconded) that the Board adjourn the meeting. Motion was passed unanimously, and the meeting was adjourned 5:36 p.m.

Respectfully submitted,

*Meeting minutes approved
by conference call.*

James A. Sterling, III
Board Member and Board Secretary

NEXT MEETING: MONDAY, OCTOBER 12, 2020, 4:00PM
LOCATION: TELECONFERENCE ONLY - OFFICE OF THE STATE ELECTION
COMMISSIONER, 905 S. GOVERNORS AVE; DOVER, DE 19904